

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**MICHAEL W. BLASHFORD,**  
*Claimant-Appellant,*

v.

**Eric K. Shinseki, SECRETARY OF VETERANS  
AFFAIRS,**  
*Respondent-Appellee.*

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2013-7094

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Appeal from the United States Court of Appeals for Veterans Claims in No. 11-0575, Chief Judge Bruce E. Kasold.

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PER CURIAM.

**ORDER**

The parties respond to the court's June 5, 2013 show cause order.

On February 6, 2013, the United States Court of Appeals for Veterans Claims ("Veterans Court") entered judgment in Michael W. Blashford's case. The Veterans Court received Mr. Blashford's notice of appeal on April 18, 2013, 71 days after the date of judgment.

To be timely, a notice of appeal must be filed with the Veterans Court within 60 days of the entry of judgment. *See* 38 U.S.C. § 7292(a); 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1). The statutory deadline for taking an appeal to this court is jurisdictional and thus mandatory. *Henderson v. Shinseki*, 131 S. Ct. 1197, 1204-05 (2011) (noting that the language of Section 7292(a) “clearly signals an intent” to impose the same jurisdictional restrictions on an appeal from the Veterans Court to the Federal Circuit as imposed on appeals from a district court to a court of appeals); *see also Bowles v. Russell*, 551 U.S. 205 (2007).

Mr. Blashford is incarcerated at the Mayo Correctional Institution in Mayo, Florida. As a prisoner, his notice of appeal would be timely filed if he had placed it in the prison mail system on or before the last day for filing. *See* Fed. R. App. P. 4(c). Federal Rule of Appellate Procedure 4(c) states that “[t]imely filing may be shown by a declaration in compliance with 28 U.S.C. § 1746 or by a notarized statement, either of which must set forth the date of deposit and state that first-class postage has been prepaid.” No such declaration has yet been submitted.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) Within 21 days of this order, Mr. Blashford may, if appropriate, file a declaration in compliance with 28 U.S.C. § 1746 or a notarized statement as set forth in Fed. R. App. P. 4(c).
- (2) The Secretary may respond within 14 days thereafter.
- (3) The briefing schedule is stayed.

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FOR THE COURT

/s/ Daniel E. O'Toole

Daniel E. O'Toole

Clerk

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